IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

Bail Appl..No. 664 of 2007()

CRIME NO.423/05 OF OTTAPPALAM POLICE STATION.

: PETITIONER/ACCUSED

UNNI @ RAJENDRAN, AGED 26 YEARS,
S/O. KRISHNAN, PALATT HOUSE, KOTHAKURUSSI,
OTTAPALAM, PALAKKAD.

BY ADV. SRI.K.ANAND

RESPONDENTS: STATE & COMPLAINANT

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1. STATE OF KERALA, REP. BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

2. SUB INSPECTOR OF POLICE,
OTTAPALAM POLICE STATION.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 664 OF 2007

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DATED THIS THE 6th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the accused in Crime No.423/05 of Ottappalam Police Station for an offence punishable under section 376 IPC and section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that about 10 months prior to the date of complaint, the accused committed rape on the de facto complainant by securing her consent on a promise to marry her and that she has subsequently given birth to a child also.

4. Anticipatory bail cannot be granted in view of the bar under section 18 of the Special Act and also in view of the gravity of the offence. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn